

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOSEPH GERHART ET AL.

PLAINTIFFS

VS.

CASE NO.: 3:11-CV-00586-W-A

RANKIN COUNTY, MISSISSIPPI ET AL.

DEFENDANTS

NOTICE OF APPEAL

Pursuant to the Federal Rules of Appellate Procedure, statutory authority, and governing case law, notice is hereby given that Defendant Johnny Barnes, in his individual capacity, appeals to the United States Court of Appeals for the Fifth Circuit from the March 31, 2017 “ORDER REGARDING VARIOUS MOTIONS FOR SUMMARY JUDGMENT” as well as any other appealable orders, decisions, or rulings affecting the rights of Barnes. The March 31, 2017 order resulted in a denial of Barnes’ entitlement to qualified immunity, and such denials are “immediately appealable under the collateral order doctrine[.]” *See, e.g., Lytle v. Bexar Cnty.*, 560 F.3d 404, 408 (5th Cir. 2009) (citation and internal quotation marks omitted). The Fifth Circuit also has pendent jurisdiction over other “closely related” issues. *See, e.g., Janvey v. Libyan Investment Authority*, 840 F.3d 248, 256 (5th Cir. 2016).

Dated: April 13, 2017.

Respectfully submitted,

PHELPS DUNBAR, LLP

BY: /s/G. Todd Butler

Gary E. Friedman, MB #5532
G. Todd Butler, MB#102907
4270 I-55 North

Jackson, Mississippi 39211-6391
P. O. Box 16114
Jackson, Mississippi 39236-6114
Telephone: (601) 352-2300
Telecopier: (601) 360-9777
Email: friedmag@phelps.com
todd.butler@phelps.com

ATTORNEYS FOR BARNES

CERTIFICATE OF SERVICE

I certify that I have filed this *NOTICE OF APPEAL* with the Clerk of the Court, using the CM/ECF system, which sent notification of such filing to the following counsel of record:

Charles R. McRae, Esquire
Annette B. Mathis, Esquire
Gale N. Walker, Esquire
CHUCK MCRAE LAW OFFICE
416 East Amite Street
Jackson Mississippi 39201
(601) 944-1008
chuck@mcraelaw.net
annette@mcraelaw.net
gale@mcraelaw.com

ATTORNEY FOR PLAINTIFFS

J. Lawson Hester, Esquire
Jason Edward Dare, Esquire
WYATT TARRANT & COMBS
P.O. Box 16089
Jackson MS 39236-6089
(601) 987-5300
lhester@wyattfirm.com
jdare@wyattfirm.com

ATTORNEYS FOR DEFENDANTS RANKIN COUNTY MISSISSIPPI, RANKIN COUNTY SHERIFF'S DEPARTMENT, SHERIFF RONNIE PENNINGTON AND DEPUTY BRETT MCALPIN

Justin L. Matheny, Esq.
Wilson D. Minor, Esq.
MISSISSIPPI ATTORNEY GENERAL'S OFFICE
P.O. Box 220
550 High Street (39201)
Jackson MS 39205-0220
(601) 359-6279
wmino@ago.state.ms.us

ATTORNEYS FOR DEFENDANT BRAD MCLENDON

THIS, the 13th day of April 2017.

/s/ G. Todd Butler
G. TODD BUTLER